

RESTITUTION ORDER ENFORCEMENT INFORMATION SHEET

(Revised September, 2018)

If a defendant is ordered to pay restitution in a restitution order and the defendant does not make restitution payments, this restitution order may be enforced in the same manner as a civil judgment. If civil enforcement is necessary, the defendant may be liable for costs and attorney fees incurred by the enforcement of the order. More information on the collection of a judgment is available at <https://dos.myflorida.com/sunbiz/forms/judgment-lien/collect-judgment/>.

Options for pursuing the enforcement of a restitution order as a civil judgment are as follows:

Step 1. Recording

Record a certified copy of your restitution order by bringing or sending it to the Recording Department of the Alachua County Clerk's Office, 201 E University Ave, Gainesville, Florida 32601. The recording fee is \$10.00 for the first page and \$8.50 per additional page. Provide a self-addressed, stamped envelope so the recorded order can be returned to you. Once recorded, a certified copy can be purchased for enforcement purposes.

Step 2. Writ of Execution

If you are aware of any real or personal property the defendant owns and you want to levy on the property, you will need to get a Writ of Execution from the Clerk's Office. The clerk can issue this writ 15 or more days after the date of the Restitution Order. Bring your recorded restitution order and your filled-out writ of execution, included with these instructions, to the Clerk's Office's Criminal Division. The Criminal Division is located in the Criminal Courthouse at 220 South Main Street, Gainesville, FL 32601, on the Fourth Floor.

Step 3. Register with State

After the writ of execution has been issued, you can register it with the Florida Department of State via the web at www.sunbiz.org. Registering is **mandatory** if you are attempting to seize personal property. For real property, registering is not mandatory but recommended. The Florida Department of State Division of Corporations at 850-245-6000 can provide more information.

Step 4. Levy

If you are ready to levy on property you have determined is owned by the defendant, first contact the Sheriff's Office's Civil Bureau at (352) 384-3051 for procedures and fees for these services, before going in person. The Alachua County Sheriff's Office Civil Bureau is located at 12 SE 1st St, Room 148, Gainesville, Florida 32601. If the defendant owns property in another county in Florida, contact the civil bureau or civil process unit of the sheriff's office in that county. You will need (a) writ of execution, (b) instructions for levy, (c) creditor's affidavit, (d) a cost deposit (\$1,000-1,500), (e) proof of ownership— for real property this is a copy of the deed, and (f) for personal property, only, a judgment lien certificate. The Sheriff's Civil Bureau can provide a Levy Packet Handout with forms.

Upon full payment of restitution, the attorney for the defendant may require the completion of a "Satisfaction of Judgment on Restitution Order" and to have it recorded to verify that the defendant has fulfilled his/her financial obligation. The recording fee can be included in the payments required for satisfying the restitution judgment.

Other Options

There may be other enforcement options available. Some attorneys' offices specialize in collecting judgments and may be able to provide additional assistance in enforcing your restitution judgment.

IN THE CIRCUIT/COUNTY COURT, EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA,

-v-

Case Number: 01-_____

Division: _____

Defendant

WRIT OF EXECUTION

THE STATE OF FLORIDA

To Each Sheriff of the State:

YOU ARE COMMANDED, on behalf of _____, the restitution recipient named in the restitution order entered in this action, to levy on the property subject to execution of _____ [name of defendant] in the sum of \$_____ [amount of judgment] plus interest at _____% per year [statutory interest rate] from _____ [date of judgment] until paid and to have this writ before the court when satisfied.

DATED _____, 20 _____.

J.K. "JESS" IRBY, ESQ.
Clerk of the Court

By: _____
Deputy Clerk